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REMARKS

Claims 1-69 were rejected under 35 USC 103(a) as being unpatentable over Snell in view of a number of secondary references. Applicant respectfully traverses these rejections.

Initially, despite the Examiner's assertion to the contrary Snell does not teach "a remote web-based expert data center" nor does the reference teach "a medical programmer for an IMD [that] is uplinked to the web-based expert data center". Snell does not teach "a key source in data communications with the programmer and the web-based expert data center for transmitting an encryption key to the programmer and a decryption key to the expert-data center" nor does the reference teach "an encryption engine residing within the programmer" or "a decryption engine residing within the expert data center." The secondary references, some of which generally discuss encryption concepts, do not address these deficiencies in the Snell reference. As such, the rejection is improper and must be withdrawn.

Snell teaches a system of networked programmers wherein processing requirements are shared between a local device (where a traditional medical device programmer would normally function) and a network version of the same device. This allows software upgrades to be easily delivered to the local devices; allows the local device to be "dumbed down" (hence smaller, less expensive, etc.); allows the local device to receive operating parameters from the network; and to share access to a generalized database. Snell does not teach nor imply that data from a programmer or an implantable device is communicated to a remote expert data center. Nor does Snell, alone or combined, teach the specifically claimed security parameters or mechanisms. As such, the rejection is improper and must be withdrawn.

While Applicant respectfully asserts that Snell, alone or combined with any reference of record, fails to anticipate or render obvious the present claims, Applicant has submitted a Declaration under 37 CFR 1.131 antedating Snell and thus, removing Snell as a reference. With the rejections of record having been


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traversed and the primary reference relied on removed as a reference, Applicant respectfully asserts that the present claims are in condition for allowance and respectfully requests notice of the same.

Should any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned to expedite prosecution.

Respectfully submitted,

Date: 6/24/05



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